United Nations CRPD/C/GTM/Q/1

Convention on the Rights of Persons with Disabilities

Distr.: General
12 May 2016
English
Original: Spanish
English, French and Spanish only

Committee on the Rights of Persons with Disabilities

List of issues in relation to the initial report of Guatemala*

A. Purpose and general obligations (arts. 1-4)

General obligations (art. 4)

1. Please supply more information on how disability is determined and on the certification procedure used.

2. Please outline the specific steps being taken by the State party to revise and harmonize both its legal framework (Constitution, Civil Code and Criminal Code, inter alia) and its public policies with the provisions of article 4 (1) of the Convention.

3. Please provide additional updated information on progress with the implementation of the National Disability Policy and on the economic, material and human resources earmarked for this purpose. What measures have been taken by the State party to evaluate the policy's execution and effect on persons with disabilities?

4. Please describe the mechanisms used by the State party to consult organizations of persons with disabilities during the drafting and adoption of laws and policies to give effect to the Convention and during other decision-making processes concerning issues relating to them.

B. Specific rights

Equality and non-discrimination (art. 5)

5. Please provide information about the measures being taken by the State party to protect from intersectional discrimination all persons with disabilities, including indigenous persons, women, children and older persons with disabilities. Please provide more detailed information about discrimination complaints, the mechanisms which have been put in place to deal with them and the remedies available in the event of discrimination.

6. What provision is made in the State party's legislation explicitly to qualify a denial of reasonable accommodation as a specific form of discrimination? Please say how the notion of "reasonable accommodation" is applied as a means of securing the equality and non-discrimination of persons with disabilities.

* Adopted by the Committee at its fifteenth session (29 March-21 April 2016).

GE.16-07735 (E) 300516 310516
1607735

Please recycle

Women with disabilities (art. 6)

7. Please outline the measures being rolled out by the State party to encompass women with disabilities in policies and action on behalf of women in general, such as those stemming from the Act against femicide and other forms of violence against women (Decree 22-2008) and the Act on prevention, punishment and eradication of domestic violence (Decree 97-96), or the Act on the dignity and full promotion of women (Decree 7-99).

8. Please supply information on the steps being carried out to include women with disabilities in general women's organizations such as the Secretariat for Women in the Office of the President of the Republic, the National Office for Women's Affairs, the Ethnic and Gender Equity Directorate, the Women's Affairs and Gender Analysis Unit and the Office for the Defence of Indigenous Women.

Children with disabilities (art. 7)

9. Please explain what specific measures are being developed under the Act on the comprehensive protection of children and adolescents, such as the budget for providing inclusive services and programmes to improve the quality of life of children and young persons with disabilities.

10. Please indicate the steps taken to amend article 13 of the Act on the comprehensive protection of children and adolescents and article 253 of the Civil Code, as recommended by the Committee on the Rights of the Child (CRC/C/GTM/CO/3-4, para. 54). What measures are being implemented in order to create an efficient system for detecting the ill-treatment of children with disabilities at home, at school, in health-care facilities and in institutions? Please also describe the measures taken by the Office of the Advocate for Children and Adolescents to care for children with disabilities who have been assaulted and abused.

Awareness-raising (art. 8)

11. Please supply additional information about the scope and impact of programmes and campaigns to enhance the awareness of the human rights of persons with disabilities, which are being conducted by the Ministry of Public Health and Social Welfare.

Accessibility (art. 9)

12. Please explain what measures are taken to guarantee that persons with disabilities enjoy the right of access to public transport and the built environment under the Assistance to Persons with Disabilities Act and its implementing regulations. Please say what mechanisms exist in respect of their monitoring and implementation and what provision is made for penalties thereunder.

Equal recognition before the law (art. 12)

13. Please say when the State party expects to amend and harmonize current legislation on the legal capacity of persons with disabilities, including the articles of the Civil Code referring to interdiction and guardianship. Please provide information on the measures which the State party is planning in order to offer the requisite support for assisted decision-making by persons with disabilities and to provide them with appropriate and effective safeguards, in pursuance of article 12 of the Convention.

Access to justice (art. 13)

14. Please outline the measures introduced by the State party to secure respect of the right of due process of persons with disabilities. Please say what accessibility measures have been taken and what reasonable accommodations are available to guarantee the access of persons with disabilities and persons with disabilities who have been deprived of liberty to the judicial and administrative systems, including indigenous justice systems.

15. Please explain what measures have been adopted by the State party to ensure that persons working in the field of the administration of justice take a human rights-based approach when administering justice to persons with disabilities.

Liberty and security of the person (art. 14)

16. What legislative, administrative and judicial measures are being adopted by the State party in order to ensure that no one is deprived of his or her liberty against his or her will on account of disability? Please also explain what mechanisms are in place to regulate and supervise the physical and material conditions in and hygiene of detention centres, and to prevent violence against and the abuse of inmates with disabilities.

Freedom from torture or cruel, inhuman or degrading treatment or punishment (art. 15)

17. Please explain what steps are being carried out in response to the concluding observations of the Committee against Torture (CAT/C/GTM/CO/5-6) to separate convicted prisoners and persons with disabilities in mental health hospitals, closed institutions and prisons. Please say whether the precautionary measures requested by the Inter-American Commission on Human Rights for persons with disabilities at the Federico Mora National Mental Health Hospital have been carried out.

Freedom from exploitation, violence and abuse (art. 16)

18. Please describe how the Act on sexual violence, exploitation and trafficking in persons protects persons with disabilities, especially children, women and indigenous persons.

Protection of the integrity of the person (art. 17)

19. Please provide information about the measures adopted by the State party specifically in order to prevent persons with disabilities, especially those who have been declared legally incompetent, being subjected without their informed consent to treatment such as clinical trials, electroconvulsive therapy, psychosurgical procedures, interruption of pregnancy or sterilization, inter alia.

Liberty of movement and nationality (art. 18)

20. Please say what steps are being taken to ensure the universal registration of all newborn babies with disabilities without exception. Please provide information about the measures taken by the State party to ensure that all persons with disabilities are issued with the Single Identification Document.

Living independently and being included in the community (art. 19)

21. Detailed information would be appreciated on the existence of any public policies to promote inclusion in the community and on whether they make provision for subsidies, assistive devices and technologies and personal assistance to facilitate independent living.

Freedom of expression and opinion, and access to information (art. 21)

22. Please describe the services provided in order to enable persons with disabilities to obtain information and to communicate in sign language, accessible formats and alternative means of communication, including Braille and easy-to-read formats. When does the State party intend to give official recognition to sign language and to certify interpreters?

Respect for home and the family (art. 23)

23. Please supply information about the measures being taken to expedite the adoption of children with disabilities by simplifying adoption formalities.

Education (art. 24)

24. Please provide updated information on the legislative measures, policies and programmes being developed by the State party in order to guarantee inclusive education at the national level. Please describe the action being taken to increase the number of children attending educational centres. Please say whether the State party includes compulsory training in inclusive education for all teaching and administrative staff and other professional categories before they take up their duties and during the course of their employment.

Health (art. 25)

25. Please explain what specific action is being taken to guarantee access to health, medicine and sexual and reproductive health services for persons with disabilities and access to their rights, including physical accessibility and communication, access to medicaments and HIV prevention campaigns and provide data on the budgets allocated to that purpose, in urban and rural areas.

Work and employment (art. 27)

26. Please provide information on progress made with the Bill submitted on 30 January 2014 on the inclusion of persons with disabilities in the world of work, taking in a gender perspective.

Adequate standard of living and social protection (art. 28)

27. Please provide information on the social guarantees available for persons with disabilities and on the measures and budget which the State party intends to introduce in order to expand these guarantees. Please explain how persons with disabilities benefit from the State party's poverty reduction strategies.

Participation in political and public life (art. 29)

28. Please supply updated information on the specific measures taken by the State party to revise and harmonize existing legislation in order to ensure that all persons with disabilities may vote and stand for election. In addition, please describe the measures being taken to ensure the accessibility of the ballot.

Participation in cultural life, recreation, leisure and sport (art. 30)

29. Please describe the steps taken by the State party to ratify the Marrakesh Treaty to Facilitate Access to Published Works for Persons Who Are Blind Visually Impaired, or Otherwise Print Disabled and the measures adopted to ensure the effective application of the treaty.

C. Special obligations

Statistics and data collection (art. 31)

30. Please provide information on the steps being contemplated by the State party to update national statistics on persons with disabilities, on surveys being carried out to ascertain their situation and on any plans to hold a census. How have the 2030 Agenda for Sustainable Development and its indicators been incorporated into the State party's statistics and data?

International cooperation (art. 32)

31. What effect has funding resulting from international cooperation had on persons with disabilities?

32. Please outline the measures which have been adopted to ensure that the rights of persons with disabilities, as enshrined in the Convention, have been mainstreamed into national plans for the implementation and monitoring of the 2030 Agenda and its Sustainable Development Goals. Please say what steps have been taken to ensure that the organizations of persons with disabilities play a significant part in these processes.

National implementation and monitoring (art. 33)

33. What measures are being planned by the State party to strengthen the coordination mechanism of the National Council for Persons with Disabilities? Please provide information on the structure of the independent mechanisms referred to in article 33 (2) of the Convention and on the support offered by the State party in order to secure the participation of persons with disabilities through their representative organizations.